

VILLAGE OF MARTIN ZONING ORDINANCE

The following Ordinance was passed by the Martin Village Commission at a meeting on the 24th day of November, 1967.

On Ordinance to establish zoning districts and provisions governing the Village of Martin, Allegan County, Michigan, in accordance with the provisions of Act 207 of the Public Acts of the State of Michigan of 1921 as amended; to provide for the administration, including penalties for the violation thereof, and to provide for a Board of Appeals.

THE VILLAGE OF MARTIN ORDAINS:

Article I Preamble

Section 1.01 NAME

This Ordinance shall be known as the "Village of Martin Zoning Ordinance."

Section 1.02 PURPOSES

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare. Its provisions are intended to provide for the orderly development of the Village; to encourage the use of lands and natural resources in the Village in accordance with their character and adaptability; to limit the improper use of land; to reduce hazards to life and property, to avoid over-crowding of population; to provide for adequate health conditions in dwellings and buildings hereafter erected or altered; to lessen congestion on the public road and streets; to protect and conserve natural recreation areas, agricultural areas, residential areas and other areas naturally suited to particular uses; to facilitate the establishment of an adequate and economic system for transportation, sewage disposal, safe water supply, education, recreation and other public requirements; to conserve the expenditure of funds for public improvements and services; to conform with the most advantageous

uses of land and resources of the Village by both the community and the individual inhabitant.

Section 1.03 GENERAL PROCEDURE

To achieve the purpose of this Ordinance, the Village has been divided into zoning districts of varied shape, kind and area, and regulations have been adopted for each such district, with due consideration for the character of each district, its peculiar suitability for particular purposes, the conservation of property values and natural resources, and the general trend and character of land, buildings, and population development.

Section 1.04 SCOPE

Beginning with the effective date of this Ordinance, and except as otherwise provided in this Ordinance, no new building or structure of part thereof, shall be erected, and no existing building or structure shall be enlarged, rebuilt or altered, and no building, structure, land or part thereof shall be used for purposes other than in conformity with the provisions of this ordinance pertaining thereto.

ARTICLE II DISTRICTS

Section 2.01 ZONING DISTRICTS

For the purpose of this Ordinance all of the Village of Martin is hereby divided into five (5) kinds of zoning Districts to be known as Districts R 1 (Class A Residential), Districts R 2 (Class B Residential), Districts A (Agricultural), Districts C (Commercial), and Districts I (Industrial), the location of which are shown on accompanying map entitled Zoning Map of the Village of Martin, Martin Township, Allegan County, Michigan.

ARTICLE III DISTRICT R 1 (Class A Residential)

The following provisions shall apply to all Districts "R1":

Section 3.01 USES PERMITTED

No land shall be used hereafter, and no building or structure erected or moved upon any premises and used for other than one and more of the following uses, except as other-

wise provided in the Ordinance.

1. Principal uses permitted:

- A. One family dwellings
- B. Two family dwellings

2. Permitted Accessory uses:

A. One garage per dwelling unit providing storage for a maximum of three cars or a combination of trucks and automobiles not exceeding three in number.

B. Home occupations, including handicrafts such as dress-making, millinery, watch repairing and professional occupations such as the office of a physician, dentist, lawyer: provided however, that there shall be no external evidence of such occupation except a name plate not exceeding four (4) square feet in area, and further that the use of occupation shall not require or effect any change in the external character of the dwelling.

3. Uses by Special Permit. The following uses allowed when determined to be in conformity with the provisions of Section 8.15.

A. Churches, Schools, libraries, and public owned buildings.

B. Hospitals, clinics, sanatoriums, convalescent homes and similar structures designed for human care.

C. Public utility buildings.

D. Community country clubs, fraternal lodges, and similar civic and social organizations when not operated for profit.

E. Parks, playgrounds, public and private swimming pools and similar facilities for outdoor exercise and recreation when not operated for profit.

F. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses. Such uses shall include temporary signs.

G. Apartment Buildings

Section 3.02 SIZE OF PREMISES

1. Dwellings: Every parcel of land upon which a dwelling is hereafter erected or moved shall conform with the following:

A. In the case of unplatted lands, no lot shall contain less than fourteen thousand (14,000) square feet exclusive of public highway right of ways nor shall be less than eighty (80) feet in width at the building line.

B. In the case of lots contained in plats hereafter recorded, the area shall be not less than ten thousand (10,000) square feet and the width of the lot shall be not less than seventy-five (75) feet at the building line.

C. Every parcel of land shall provide a minimum width of Sixty-six (66) feet at the site of the access to the premises, unless special permission is granted by Zoning Board of Appeals.

2. Other Buildings: The minimum size of a parcel of land required for special permit uses shall be as follows:

A. Building erected shall not occupy more than twenty-five (25) percent of the parcel of land.

B. Special permit shall be granted, however, unless adequate parking is provided in compliance with Sections 8.07 and 14.16.

Section 3.03 YARDS

1. Dwellings

A. Side Yards: At least six (6) feet in width on each side, provided, however, where lots abut upon two or more streets or highways, only yards abutting upon lots adjacent to the longest dimension of the property shall be considered side yards. Side yard requirement for special permit shall be fifteen (15) feet.

B. Rear Yards: At least thirty (30) feet in depth.

C. Front Yards: In conformity with Sections 8.05, 8.14 and 14.03 of this Ordinance.

Section 3.04 FLOOR AREA OF BUILDING

1. Every dwelling hereafter erected or moved upon a premise and intended for year around occupancy shall contain not less than one thousand (1000) square feet of floor area for each family unit; Provided, that no such area shall include space in an attached garage, open porch, breezeway, or other attached structure of similar nature.

Section 3.05 BUILDING HEIGHT

No building structure or part thereof shall be erected or altered to a height exceeding two and one half stories, but not to exceed thirty-five (35) feet; Provided, that the height of a specific building may be increased if approved by the Board of Appeals as may be reasonable for the use thereof.

ARTICLE IV DISTRICT R 2 (Class B-Residential)

The following provisions shall apply to all Districts "R2".

Section 4.01 USES PERMITTED

No land shall be used hereafter, and no building or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in this Ordinance.

1. Principal Permitted Uses:

A. One family dwelling

B. Two family dwelling

2. Permitted Accessory Uses:

A. One garage per dwelling unit providing storage for a maximum of three cars or combination of three cars and trucks.

B. Home occupation, including handicrafts such as dress-making, millinery, watch repairing, and professional occupations such as the office of physician, dentist, lawyer; Pro-

viding, however, that there shall be no external evidence of such occupation except a name plate not exceeding four (4) square feet in area, and further that the use or occupation shall not require or effect any change in the external character of the building.

3. Used by Special Permit:

The following uses shall be allowed when determined to be in conformity with the Provisions of Section 8.15:

A. Motel, resort hotels, boat liveries, bait shops, and similar recreational enterprises.

B. Community country clubs, fraternal lodges and similar civic or social organizations.

C. Parks, playgrounds, public and private swimming pools and similar facilities for outdoor exercise and recreation.

D. Public utilities buildings.

E. Churches, schools, libraries, and public owned buildings.

F. Hospitals, clinics, sanatoriums, convalescent homes and similar structures designed for human care.

G. Apartment buildings

H. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.

Section 4.02 SIZE OF PREMISES

1. Dwellings: Every parcel of land upon which a dwelling is hereafter erected or moved shall conform with the following:

A. Lots shall contain a minimum of 10,000 square feet and shall be Seventy five (75) feet wide at the building line.

2. Other Buildings: The minimum size of a parcel of land required for special permit uses shall be as follows:

A. Building erected shall not occupy more than twenty-five (25) per cent of the parcel of land.

B. Special permit shall ^{Not} be granted, however, unless adequate parking is provided in compliance with Sections 8.07 and 14.16.

Section 4.03 YARDS

1. Dwellings:

A. Set Back lines for front yard shall conform to Sections 8.05, 8.14, and 14.03.

B. Side Yards: At least five (5) feet in width on each side, provided however, where lots abut upon two or more streets or highways, only yards abutting upon lots adjacent to the longest dimension of the property shall be considered side yards. Side yard requirements for special permit uses shall be ten (10) feet in width.

Section 4.04 FLOOR AREA OF DWELLING

Every dwelling hereafter erected or moved upon a premises shall contain not less than Eight hundred Forty (840) square feet of floor area for each family unit, provided that no such area shall include space in an attached garage, open porch, breezeway, or other attached structure.

Section 4.05 BUILDING HEIGHT

Building heights shall conform to the limits established for residential properties in Section 3.05.

ARTICLE V DISTRICT A (Agricultural)

The following regulations apply to all Districts "A".

Section 5.01 USES PERMITTED

No land shall be used hereafter, and no building or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in the Ordinance.

1. Principal Permitted Uses:

- A. One family dwellings
- B. Two family dwellings
- C. Farms

2. Permitted Accessory Uses

A. All uses permitted in Paragraph three (3) of Section 4.01.

B. Buildings and structures customarily incidental to farming.

C. Roadside stands and buildings for the packaging, storage and sale of agricultural products; Provided, that no

less than fifty-one (51) percent of the products packaged, stored or sold shall have been produced on the premises or upon common holdings of the owner or owners.

3. Uses by Special Permit: The following uses shall be allowed when determined to be in conformance with the provisions of Section 8.15.

A. All uses permitted except cabin camps, motel, resort hotels, trailer parks, boat liveries, bait shops, marinas and similar recreational enterprises,

B. Food processing and packaging industries; farm equipment sales and services.

C. Neighborhood retail groceries, gasoline stations and shopping centers.

D. Fire control structures.

E. Guide signs of a non-advertising nature.

F. Accessory buildings and structures and uses customarily incidental to all of the above uses.

Section 5.02 SIZE OF PREMISES

1. Dwellings: Every parcel of land upon which a dwelling is hereafter erected or moved shall conform to the provisions of Paragraph one (1), Section 3.02.

2. The minimum size parcel of land required for special permit use shall conform to the provisions of Paragraph two (2), Section 3.02.

Section 5.03 YARDS

The yard requirements of all dwellings and other main buildings shall conform to the provisions of Section 3.03 except in the case of the side yards, which shall be increased to fifteen (15) feet.

Section 5.04 FLOOR AREA OF DWELLINGS

Every dwelling hereafter erected or moved upon a premise shall contain not less than one thousand (1000) square feet of floor space per family unit; Provided, that

no such area shall include space in an attached garage, open porch, breezeway, or other attached structure.

Section 5.05 BUILDING HEIGHT AND CONSTRUCTION

Dwellings may be thirty-five (35) feet or two and one-half (2½) stories in height. No restrictions on other main building heights.

ARTICLE VI DISTRICT C (Commercial)

Section 6.01 USES PERMITTED

No land shall be used hereafter, and no building or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in the Ordinance.

1. Principal Permitted Uses:

A. Those uses permitted under Paragraphs one (1) and two (2) of Section 5.01 of the Ordinance.

B. Stores, showrooms, and shops for the conduct of generally recognized retail business when conducted within buildings having a roof and four side walls.

C. Personal service shops, such as professional offices, barber shops, beauty parlors, shoe repair shops, laundry and dry cleaning pick-up shops.

D. Banks, dressmaking, millinery, photographic studios, undertaking establishments, public utility buildings and publicly owned buildings.

E. Community clubs, fraternal organizations and similar civic and social organizations.

F. Outdoor advertising signs not exceeding thirty-two (32) square feet in area.

2. Uses by Special Permit: The following uses shall be allowed when determined to be in conformance with the provisions of Section 8.15.

A. All uses permitted under Paragraph three (3) of

Section 5.01 of the Ordinance, except as noted in above Principal Permitted Uses.

B. Outdoor theaters, dance halls, recreational halls, and other enterprises of recreation and amusement.

C. Sale and servicing of agricultural machinery, lumber and coal yards, warehouses, and buildings contractors.

D. Establishments, located within buildings for the repair, alteration, finishing, assembling, fabrication or storage of goods primarily for local or retail sale; Provided, however, that no such establishment employ the use of machinery in excess of three hundred (300) horsepower.

E. Outdoor advertising signs exceeding thirty-two (32) square feet in area.

F. Gasoline and oil service stations, garages, used car lots, but not the storage, processing, or sale of used auto parts or other items commonly referred to as junk.

G. Accessory buildings, structures and uses customarily incidental to all of the above permitted uses.

Section 6.02 SET BACK LINES

Every building hereafter erected or moved upon any premises is required to have at set back line only to the extent that it be the same as the existing set back line. The minimum set back line shall be adjacent to the lot side of the sidewalk or that set back line existing or used by adjoining buildings.

Section 6.03 BUILDING HEIGHT

Any building hereafter erected or moved upon any premises shall comply with the provisions of Section 3.05.

ARTICLE VII DISTRICT I (Industrial)

The following regulations shall apply to all Districts "I".

Section 7.01 USES PERMITTED

No land shall be used hereafter, and no building or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in the Ordinance.

1. Principal Permitted Uses:

A. Any uses permitted in Section 6.01 of the Ordinance.

B. Terminal facilities, blacksmith shops, Oil Storages, and auto wrecking establishments.

C. Dairy plants, canneries, wineries, agricultural storage and packaging, and similar food processing operations not requiring a special permit under this section.

D. Manufacture or assembly of electrical appliances, motors, and instruments; manufacture or assembly of signs, billboards and advertising structures; other manufacturing or assembly operations of similar nature not attended by excessive noise, smoke, odors, vibrations or dust.

E. Sheet metal; machine shops; monument works.

2. Uses by Special Permit: The following uses shall be allowed when determined to be in conformance with the provisions of Section 8.15:

A. Manufacturing or processing operation involving odors, fumes, smoke, dust, water, noise or vibration to such a degree as to be considered obnoxious, offensive, unhealthful, or harmful to surrounding property.

B. Junk yards and privately operated waste disposal sites of a commercial nature.

Section 7.02 YARDS

Every building hereafter erected or moved upon any premises shall be provided with yards complying with the provisions as set forth in Section 3.03 with the following exceptions:

1. Side Yards: Every building hereafter erected or moved upon any premises shall provide a side yard of fifteen (15) feet except where adjacent to a residential lot, then a side yard of twenty-five (25) feet shall be provided. This side yard area shall not be used as a drive or external storage area.

2. Rear Yards: Every building hereafter erected or moved upon any premises shall provide a rear yard of twenty (20) feet, where rear yards abut on residential properties the rear yard depth required shall be thirty (30) feet.

Section 7.03 BUILDING HEIGHT

Any building hereafter erected or moved upon any premises shall comply with the provisions of Section 3.05.

ARTICLE VIII GENERAL PROVISIONS

Section 8.01 Conflicting Laws, Ordinances, Regulations and Restrictions.

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing provisions of the law, ordinance, rules, regulations, or permits previously adopted or issued pursuant to laws relating to the erection or use of buildings or land; nor is it intended by this Ordinance to interfere with or abrogate or annul any existing easements, covenants, or other agreements between parties; Provided, however, that where any provisions of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations, upon the erection or use of land or buildings, or upon the height of buildings and structures, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or Ordinance or any rules; regulations, permits or easements, then the provisions of this Ordinance shall govern. The requirements of this Ordinance are to be construed as minimum requirements, and shall in no way impair or affect any covenant or restriction running with the land except where such covenant imposes lesser requirements. This Ordinance repeals footage requirements of Ordinance 4.

Section 8.02 USE OF NON CONFORMING LAND, BUILDING AND STRUCTURE.

1. At the discretion of the owner, the lawful use of any building, structure or premises existing prior to the effective date of this Ordinance may be continued, although the use does not conform with the provisions of this Ordinance and such use of any building may be extended through that building; Pro-

vided, no structural changes be made therein except those required for safety.

2. Wherever the non-conforming use of any building, structure, land or premises or part is changed in whole or in part to a conforming use, such use shall not hereafter be reverted to any non-conforming use.

3. If the non-conforming use of any building, structure, land or premises or part thereof is discontinued through vacancy, lack of operation, or otherwise for a continuous period of three (3) months, then any future use of that building, structure, land or premises shall conform, in its entirety, to the provisions of this Ordinance; Provided, however, that the Board of Appeals may, upon application within twelve (12) months after the termination of above mentioned three (3) month period, permit the resumption of such non-conforming use.

Section 8.03 RECONSTRUCTION OF DAMAGED NON-CONFORMING BUILDINGS AND STRUCTURES.

Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse, explosion, acts of God, or acts of the public enemy, subsequent to the effective date of this Ordinance if such reconstruction or restoration is undertaken within six months and diligently prosecuted to completion: Provided however, that the use be identical with the non-conforming use permitted in effect at the time of the damage, and Provided: Further, that such reconstruction shall conform with highway setback and yard requirements of the district as well as all other requirements herein wherever physically practical to the degree physically practical.

Section 8.04 REPAIR, ALTERATION AND COMPLETION OF NON-CONFORMING BUILDINGS

1. Nothing in this Ordinance shall prevent the repair, reinforcement, improvement, or rehabilitation of a non-conforming building, structure or part thereof existing at the effective date of this Ordinance, that may be necessary to secure or insure the continued advantageous use of the building or structure during its natural life; Provided, however, that such repair, reinforcement, improvement, or rehabilitation proposes no change other than to a conforming use, in the use of that building or part thereof.

2. No basement, cellar, garage or any incompletely constructed structure in use as a dwelling on the effective date of this Ordinance shall be used as a dwelling for more than twenty-four (24) months following the effective date, unless such structure has been brought to a state of completion in conformity with the regulations of this Ordinance relative to dwellings in the district in which such structure is located.

Section 8.05 YARD AND AREA REQUIREMENTS: GENERAL

1. Every part of any required yard shall be open and unobstructed by chimneys, pilasters, sills, belt course, cornices, eaves or gutters. Provided, however, that such chimneys, pilasters, sills, belt courses, cornices, eaves, or gutters may project not more than fourteen (14) inches into any required yard.

2. No part of any required yard except a rear yard shall be used for any accessory building or use, or for the storage of vehicles and any accessory building erected in a required rear yard shall not exceed one story or fifteen (15) feet in height.

3. In determining lot and yard requirements, no areas shall be ascribed to more than one principal building or use, and no area necessary for compliance with this space requirement for one main building or use shall be included or counted in the calculation of the space requirements for any other building or use.

4. Where a lot abuts upon an alley, one half ($\frac{1}{2}$) of the width of that alley may be considered a part of such lot for the purposes of computing the area of such lot and for the purpose of computing the depth of any rear yard required under this Ordinance.

5. Where a lot abuts upon the shore line of a lake, river, stream or other surfact body of water not having a legally established water level and subject to fluctuating water levers, the computation of the required lot area and yard measurements shall exclude any portions of the land existing below the highest prior water level.

Section 8.06 LIMITATIONS OF DWELLING PER LOT.

Only one single family, multi family, or apartment shall be erected or moved on a lot.

Section 8.07 VEHICULAR PARKING SPACE, ACCESS THERETO, AND LIGHTING THEREOF

For each dwelling, commercial, industrial, manufacturing, or other similar business or service establishments hereafter erected or altered, and located on a public highway, road or street in the village, and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space, off the right of way for the parking or loading of vehicles in proportions shown in Appendix B of this Ordinance, and such space shall be provided with safe exist to and safe entrance from the public thoroughfare, Approval for the location of such exit and entrance shall be obtained from the Michigan State Highway Department for all highways under their jurisdiction, and from the County Road Commission for all roads and highways under their jurisdiction and from the Village Commission for all other roads and highways, which approval shall also include the design and construction thereof in the interests of safety, adequate drainage and other public requirements. A minimum of 200 square feet, exclusive of drive, entrances and exits shall comprise one automobile parking space. All parking space shall be provided with adequate artificial lighting between the time extending from one-half hour after sunset to one-half

hour before sunrise, when the use of such space is open to the public.

Section 8.08 TEMPORARY DWELLING STRUCTURES

1. No building, trailer coach, garage, cellar basement, camper or other structure which does not conform to the provisions of this Ordinance relative to dwellings shall be erected, altered or moved upon premises and used for dwelling purposes except under the following applicable limitations:

A. Use of any building, trailer coach, garage, basement, camper, or other structure shall not be inimical to health, safety, or to the public welfare.

B. Definitions:

I. The Term "automobile trailer", "House Car", or "Camper", shall mean any vehicle or structure intended for or capable of human habitation, mounted upon wheels or other device and capable of being moved from place to place either by its own power or by power supplied by some vehicle attached or to be attached thereto.

II. A "trailer park" or "trailer camp", shall mean any site, lot, field or tract of land where accommodation is provided for one or more automobile trailers, house cars, or campers and which is licensed by the State of Michigan as such.

III. The word " person" shall mean a corporation, co-partnership, firm, or association as well as an individual person.

2. One occupied house car or automobile trailer, except it be in a trailer park or trailer camp, may be placed and kept for a period of time not to exceed fifteen (15) days in any calender year on a residence lot in conjunction with an occupied permanent residence, provided that the occupants of such house car or automobile trailer is a friend or a relative of such permanent resident and is a visiting guest and not a guest for hire, and provided further that written consent be obtained from and signed by the occupant of the dwelling on the resident lot giving consent for the use of the sanitary facilities serving the main dwelling and provided further that a permit be secured

from the Village Clerk to keep such house car or automobile trailer on such premises. The location and occupancy of a house car or automobile trailer, except in accordance with the provisions contained herein shall be a violation of this ordinance.

3. The application to the Village Clerk must conform to the following requirements:

A. The name and owner of the house car, automobile trailer, or camper and the names of all of the occupants, including the ages of all minor children;

B. The location where house car or automobile trailer, will be placed with the street and number or the legal description where no house number is available;

C. The make, length and license number of vehicle;

D. Date of application;

E. Signature of property owner accepting responsibility for the sanitary facilities and limit of time allowed on premises;

F. Signature of the Allegan County Health Unit sanitarian as to the adequacy of Waste disposal and sanitation;

G. Signature of the applicant whose house car or automobile trailer is to be located on the premises described in the application.

Section 8.09 CABINS, CABIN CAMPS AND MOTELS

No parcel of land or premises shall be used for cabin camps or motels, and no cabin or motel shall be erected, altered, or moved upon any land or premises without compliance with the following regulations; except as noted in Section 8.13.

1. The location and operation of such a camp or motel shall not tend to produce noise of otherwise prove injurious to the surrounding neighborhood, nor be inimical to the public health, safety, or general welfare of the community, nor be contrary to the purpose of this Ordinance.

2. Each cabin or motel dwelling unit shall provide no less than sixty (60) square feet of floor area for each occupant, but no cabin or motel dwelling unit shall contain less than one hundred twenty (120) square feet of floor area for sleeping quarters, exclusive of any space provided for toilet, shower, or other facilities.

3. Each cabin or motel shall abut or face a driveway or unoccupied space of no less than twenty-five (25) feet in width, which space shall have unobstructed access to a public highway.

Section 8.10 COMBINATION BUSINESS AND DWELLING BUILDINGS AND STRUCTURES

Each building or structure used for combined dwellings and business purposes shall provide an area of not less than Eight hundred forty (840) square feet for that part used for dwelling purposes.

Section 8.11 WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES.

1. Every building or structure hereafter erected or moved upon any premises for permanent or temporary human habitation shall be provided with a safe and adequate system of water supply and sewage disposal. No such building or structure shall be utilized for human habitation until the owner of the premises has obtained a written approval of the water supply and sewage disposal ^{SYSTEM} from the Allegan County Health Department.

2. Connection shall be made to a public water supply and public sewer system when available to the premises.

3. When a private water supply or private sewage disposal system is required, the type, location, and construction shall comply with the Sanitation Regulations for Allegan County. No building or structure requiring the facilities, shall be erected or moved upon any premises which does not provide adequate size or soil conditions for safe and adequate water supply and sewage disposal facilities.

Section 8.12 FARM BUILDINGS AND STRUCTURES

All buildings and structures hereafter erected and used in connection with farming operations in the Village, but not including dwellings, shall be exempt from the provisions of this Ordinance; Provided, however, that yard requirements, highway setback limits, and sanitary requirements of this Ordinance shall be observed where applicable.

Section 8.13 ESSENTIAL SERVICES

Essential services, as defined in this Ordinance, shall be permitted, as authorized and regulated by law and other Ordinances in effect in the Village of Martin, it being the intention hereof to exempt such services from the application of this Ordinance.

Section 8.14 HIGHWAY SETBACK LINES

Setback lines on all highways, roads and streets, other than highways under the jurisdiction of the Michigan State Highway Department and highways situated in subdivision of plats of record of the effective date of this Ordinance, shall be parallel with and Sixty-eight (68) feet from the centerline of the highway; Provided, that no construction shall be within thirty-five (35) feet of the highway right of way lines.

Setback lines for roads and streets contained within subdivision of plats of record shall be parallel with and Sixty-eight (68) feet back from the centerline of the roads or streets contained within the plat, provided no construction be within thirty-five (35) feet of the road right of way line.

In areas where set back lines already established are more or less than those specified above, existing set back lines shall be observed unless a special permit is granted by the Zoning Appeal Board, to deviate from the established set back lines, upon application thereto.

Section 8.15 SPECIAL PERMIT USES

Special permit uses shall be subjected to the following special requirements in addition to the requirements and standards of the zoning district in order to prevent conflict with or impairment of the principal permitted uses of the

zoning district. Such uses shall be deemed to possess characteristics of such unique form to the district that each shall be considered as an individual case.

1. Relation to adjacent land and building:

The location and size of use, the nature and intensity of operations, the size of site in relation to operations, and the location of the site with respect to existing or future roads and highways providing access thereto shall be in harmony with the orderly development of the district; and the location, nature and height of buildings, walls, and fences shall not discourage the appropriate development and use of adjacent land and buildings or impair their value.

2. Character of Operations:

Operations shall not be more objectionable to nearby properties by reason of noise, vibration, dust, fumes, smoke, or flashing lights than the operation of any permitted use.

ARTICLE IX ADMINISTRATION

Section 9.01 ZONING ADMINISTRATOR

The provisions of this Ordinance shall be administered and enforced by the Village Clerk, or a Zoning Administrator appointed by the Village Commission.

Section 9.02 ZONING BOARD

Village of Martin Zoning Board shall consist of five members appointed in accordance with Act 145, of the Public Acts of 1960.

Section 9.03 CERTIFICATES OF APPROVAL

No building or structure subject to the provisions of this Ordinance shall hereafter be erected or moved and used upon any premises until application for a certificate of approval has been filed with the Clerk, and the Village Commission has approved issuance of such Certificate. Such Certificate shall be non-transferable and must be granted before any work of excavation, construction or movement is begun.

2. The application shall be signed by the owner of the premises or his qualified agent, and shall certify that all provisions of this Ordinance and other applicable law and requirements are to be complied with.

3. The application shall be made in triplicate on forms provided by the Village which forms shall provide space for declaring such information and intent required to determine compliance with the Ordinance.

4. The Village Commission shall determine whether the building or structure and the land and use thereof, as set forth on the application, are in conformity with the provisions of this Ordinance, and if it so finds, the Clerk shall issue a Certificate of Approval, and when such certificate is refused, the Commission shall state the cause for such refusal in writing. One copy of the application with proper notations thereon, or attached thereto, including approval or disapproval and date, shall be placed on file with the Zoning Board as a record, one copy shall be retained by the Village Clerk and one copy shall be returned to the Applicant. Accessory building when erected at the same time as the principal buildings and shown on the application shall not require a separate certificate.

5. Certificates of Approval under which no work has been done above the foundation walls within six (6) months from the date of issue shall expire by limitation, but may be renewed for an additional six (6) months from the date of expiration upon reapplication and payment of 50% of the total of the original fee to the Village Council for deposit with the Village Treasurer, subject, however to the provisions of the Zoning Ordinance then in force.

6. The Village Commission shall have the power to revoke or cancel any Certificate of Approval in case of failure or neglect to comply with any of the provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The owner of the premises shall be notified of such revocation, in writing.

7. It shall be the duty of all architects, contractors, and other persons having charge of erection, alteration, or movement of a building or structure, subject to the provisions of this Ordinance, to determine that a proper certificate has been granted therefore before undertaking any such work; and all such persons performing any work in violation of the provisions of this Ordinance shall be deemed guilty of violation in the same manner as the owner of the premises.

8. For each Certificate of Approval issued, the following fees shall be paid to the Village Clerk for deposit with the Village Treasurer to the credit of the General Fund of the Village. No certificate shall be valid until the following required fee has been paid:

Additions	Five (5) dollars
Accessory Building or Structures	Five (5) dollars
Dwellings	Seven (7) dollars
Other	Ten (10) dollars
Governmental	No fee required

Section 9.04 SPECIAL PERMITS

1. Application for a special permit shall be made in writing and shall accompany the application for a Certificate of Approval required under the provisions of Section 9.03 of the Ordinance.

2. Application for a special permit shall be accompanied by a plan for the proposed use which plan, where applicable, shall show the location of all buildings, structures, parking areas, open spaces, traffic access and circulation, landscaping, including screening, and any other information necessary to determine the conformance of the proposed use with the provisions of Section 1.02 of the Ordinance.

3. The Village Clerk, or Zoning Administrator, shall make such investigation as may be necessary to determine whether the proposed special use complies with the requirements of Section

8.15 of the Ordinance. A report of the Clerk's or Administrator's findings shall be filed with zoning board and Village Commission. If the Village Commission finds, based upon the findings of the Clerk or Administrator that the proposed use is in compliance with the requirements of Section 8.15 he shall proceed with the processing of the Application for Certificate of Approval as set forth in Section 9.03. In the event that the Village Commission denies the application for a special use permit, the Zoning Board of Appeals shall be notified and the application shall be referred to the Board, together with all reports relevant thereto, for consideration at the next regular meeting of the Board of Appeals. In no case, however, shall a period exceeding thirty (30) days elapse between the time of notice to the Board of Appeals and the date of initial Board action on the application.

Section 9.05 CERTIFICATE OF COMPLIANCE

No building or structure or part thereof for which a Certificate of Approval has been issued shall be occupied or used until a Certificate of Compliance has been issued by the zoning administrator or clerk stating that the building or structure or proposed use complies with the requirements of this Ordinance. Within ten (10) days after written notifications that the building or structure is complete, the zoning administrator or clerk shall make inspection thereof, and if it is found to be in conformity with the provisions, he shall issue the owner a Certificate of Compliance and record his action, including date, on the copy of the application for a Certificate of Approval deposited, as heretofore provided, with the Village Commission. No fee shall be charged for a Certificate of Compliance when applied for coincidental with the application for Certificate of Approval.

ARTICLE X- BOARD OF APPEALS

Section 10.01 CREATION

There is hereby created a Board of Appeals which shall perform its duties and exercise its powers as provided by Act

207 of the Public Acts of 1921, as amended, and by the provisions of this Ordinance, to the end that the objectives of this Ordinance are observed and public safety, health, morals, and general welfare secured and substantial justice done.

Section 10.02 MEMBERSHIP

The Membership of the Board of Appeals shall conform with Section 5 of Action 207 of the Public Acts of 1921, as amended.

Section 10.03 MEETING

Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public, the Board shall maintain a record of its proceedings which shall be filed in the office of the Village Clerk and shall be a public record.

Section 10.04 DUTIES

1. The Board of Appeals shall act upon all questions, as they may arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning Maps, and may fix rules and regulations to govern its procedure sitting as such a Board of Appeals. It shall hear and decide appeals from and review any order, requirement, decisions or determination made by an administrative official or the Village Commission charged with enforcement of any provisions of this Ordinance. It shall also hear and decide all matters referred to it upon which it is required to act under any amendment adopted pursuant to this Ordinance. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or the Village Commission, or to decide in favor of the applicant any matter upon which they are required to pass under any such Ordinance or to effect any variation in such Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Village. The grounds of every such determination shall be stated in writing.

2. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by the filing with the officer from whom the appeal is taken and with the Board of Appeals of a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

3. An appeal stays all proceedings in furtherance of the action appealed from unless the officer, from whom the appeal is taken, certifies to the Board of Appeals, after the Notice of Appeals shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

4. The Board of Appeals shall fix a reasonable time for the hearing of appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent. The Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion to be made in the premises, and to that end shall have all the power of the officer from whom the appeal was taken, and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such Ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of the provisions of the Ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of the provisions of the Ordinance so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice be done. The decision of such board shall not be final, and person having an interest affected by such Ordinance shall have the right to

appeal to the Circuit Court on questions of law and fact.

ARTICLE VI SPECIAL EXCEPTIONS

In order to make this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the ^{VILLAGE} ~~Township~~, the Zoning Board of Appeals, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in the Ordinance.

Such Special Exception Uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances, and without proper controls and limitations, could cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind such Special Exception Uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Zoning Board of Appeals, in its absolute discretion, is satisfied that the same, under the conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by ^{the} ~~said~~ Board, would be compatible with the other uses expressly permitted within ^{the} ~~said~~ district; would not, in any manner, be detrimental or injurious thereto; would not, in any manner, be detrimental or injurious to the use or development of adjacent properties; to the occupants thereof or to the general neighborhood; would promote the public health, safety, morals and general welfare of the community; would encourage the use of lands in accordance with their character and adaptability; and that the standards require by the Board for the allowance of such Special Exception Use can and will, in its judgment, be met at all times by the applicant.

The burden of proof of facts which might establish a right to a Special Exception Use Permit under the foregoing standards shall be upon the applicant.

(b) Special Exception Procedure:

1. All applications for Special Exception Use Permits shall be filed with the Village Clerk and shall include all pertinent plans, specifications, and other data upon which the applicant intends to rely for a Special Exception Use Permit.

2. The Zoning Board of Appeals shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request and shall notify the applicant and the owners and occupants of all contiguous parcels of such hearing.

3. Following such hearing, ^{the} ~~said~~ Board shall either grant or deny a permit for such Special Exception Use and shall state its reasons for its decision in the matter in writing. All conditions, limitations and requirements upon which any such permit is granted shall be specified in detail by ^{the} ~~said~~ Board in its decision and shall be filed with the zoning enforcement officer of the Village.

ARTICLE XII PENALTIES

1. Any building or structure which is erected, altered, maintained or used or any use of land which is begun, maintained, or changed in violation of any provisions of this Ordinance, is hereby declared to be which violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any provision shall be fined upon conviction not less than ten (10) dollars nor more than one hundred (100) dollars together with the costs of prosecution, ^{and} / or shall be punished by imprisonment in the county jail for no less than ten (10) days no more than ninety (90) days for each offense, at the discretion of the court. Each and every day during which an illegal erection, alteration, maintenance, or use continues, shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

2. The Martin Village Commission, Zoning Board, the Board of Appeals, the Prosecuting Attorney of the County, of any owner or owners of real estate may institute injunction,

mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate, or remove the alledged unlawful erection, alteration, maintenance, or use. The rights and remedies provided herein are cummulative and in addition to all other remedies provided by law.

ARTICLE XIII AMENDMENTS

Section 12.01 INITIATION OF AMENDMENTS

Amendments to this Ordinance may originate with the Village Commission or the Zoning Board by resolution of the majority of this respective membership, or by written petition signed by no less than 20% of the effected property owners. Such petition shall include the address of each signer and the location of his property in the Village.

Section 12.02 PROCEDURES

1. Each proposed amendment not originating with the Zoning Board shall be referred to Zoning Board for its consideration and recommendations.

2. The Zoning Board shall hold a public hearing on its recommendation. When any amendment proposes the rezoning of any premises, a public hearing shall be held and the Zoning Board shall cause the premises to be posted for twenty (20) days prior to the date of hearing with at least one sign stating the premises are under consideration for rezoning, and the time and place of the hearing.

3. Adoption and enactment of amendments shall be in accord with Act 207 of the Public Acts of 1921, as amended.

Section 12.03 SPOT ZONING

In case any petition requests rezoning of individual parcels of land, the petition shall state the specific use or purpose for which rezoning is sought.

ARTICLE XIV VALIDITY

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph,

section, subsection, phrase or clause, is adjudged unconstitutional or invalid it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Martin Village Commission hereby declares that it would have passed this Ordinance and each part, section, phrase, sentence and clause thereof, irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences and/or clauses be declared invalid.

ARTICLE XV DEFINITIONS

For the purpose of this Ordinance, certain terms used are herewith defined. When not inconsistent with the context, words used in the present tense include the future; words in the singular include the plural number, and conversely. The word "shall" is always mandatory and not merely directory.

Section 14.01 ACCESSORY BUILDING OR STRUCTURE

A supplementary building or structure on the same premises as the main building or structure and occupied by or devoted exclusively to an accessory use but such use shall not include the use for dwellings or lodging purposes, or sleeping quarters for human beings.

Section 14.02 BUILDING

Any structure, either temporary or permanent, having a roof or used or built for the shelter or enclosure of persons, animals, or property of any kind. This shall include tents, awnings, vehicles whether mounted on wheels or not and used for purposes of a building.

Section 14.03 BUILDING SET-BACK LINE

In residence districts there shall be a setback line of not less than thirty-five (35) feet, except on corner lots, and except when a majority of the frontage on one side of a street between two intersecting streets at the time of the passage of this ordinance has been built up with buildings, and a majority of ^{those} ~~said~~ buildings have a minimum setback line of more or less than thirty-five (35) feet from the street line,

in which case no building hereafter erected or altered shall project beyond the minimum setback line so established, on all corner lots held under a separate and distinct owner from adjacent lots, there shall be a setback line of not less than thirty-five (35) feet from the street line upon which the narrow side of the lot abuts, and not less than ten (10) feet from the street line upon which the long side of the lot abuts.

Section 14.04 DWELLING

Any building or structure, or part thereof occupied as the home, residence and sleeping place of one or more persons, except for trailer coaches, motels, cabins and similar facilities offered to transients.

Section 14.05 ERECTED

Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

Section 14.06 ESSENTIAL SERVICES

The erection, construction, alteration or maintenance of public utilities or municipal departments or commissions, of underground or overhead, gas, electrical, steam or water transmission or distribution systems, collections, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables towers, electric sub-stations, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

Section 14.07 FAMILY

A collective body of persons consisting of parents and/or children, or other relatives, domestics or servants, residing together in one house or dwelling and under one head or one domestic government.

Section 14.08 FARMS

All of the unplatted, contiguous, neighboring or associated land operated as a single unit, containing not less than eight (8) acres in area, not all of which must be within the boundry of the Village, on which bonafide farming is carried on. Orchards, hatcheries, and similar specialized agricultural enterprises may be considered as farms, but establishments keeping furbearing animals, game, or operated, as fish hatcheries, dog kennels, stock years, slaughterhouses, stone quarries, gravel or sand pits, or the removal and sale of top soil, fertilizer works, bone ^{yards} ~~years~~, piggeries or for the reduction of animal matter or for the disposal of garbage, sewage, rubbish, junk, or offal shall not constitute a farm hereunder.

Section 14.09 HIGHWAY, ROAD OR STREET

Any public vehicular thoroughfare, except alleys, including county, federal and state roads and highways.

Section 14.10 HOME OCCUPATIONS

A gainful occupation conducted by members of the family within its place of residence; Provided that the space used is incidental to residential use and that there be at least eight hundred forty (840) square feet of dwelling area not used in the occupation area; and that not more than one paid non-family member assistant is employed.

Section 14.11 LOT

The parcel of land on which one (1) principal building and its accessories are placed, together with the open spaces required by this Ordinance. A lot need not be a lot of existing record.

Section 14.12 ROADSIDE STAND

A farm structure or piece of work artificially built up or composed of parts joined together in some definite manner; for the packaging, storage and sale of agricultural products including any dwelling, garages, buildings, signs and signboards included thereto.

Section 14.13 TRAILER COACH

Any vehicle used or so constructed as to permit its being used as a conveyance upon public streets or highways and shall include self-propelled and non-self-propelled vehicles so designated, constructed, reconstructed, or added so as to provide an enclosed room or area in such manner as will permit the occupance thereof as a dwelling or sleeping place for one or more persons, whether mounted on wheels or dismantled or located on a foundation or other support.

Section 14.14 TRAILER COACH PARK

Any site, lot, field, tract, or parcel of land upon which three (3) or more occupied house trailers or campers are harbored either free of charge, or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such trailer park.

Section 14.15 YARD

A space open to the sky and unoccupied or unobstructed by building or structures on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distances.

A. YARD, FRONT

A yard extending the full width of the lot or parcel of land between the front, or through-fare right of way line, and the nearest line of the main building

B. YARD, REAR

A yard extending across the full width of the lot between the rear lot line and the nearest line of the main building

C. YARD, SIDE

A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building or of any accessory building.

Section 14.16 PARKING SPACE

An area, enclosed or unenclosed, two hundred (200) square feet in size to store one (1) automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Section 14.17 WORDS REQUIRING SPECIAL INTERPRETATION

Any word requiring special interpretation and not listed above shall be used as defined in the Housing Law of Michigan, being Act 167 of the Public Acts of 1917, as amended.

APPENDIX A
ZONING DISTRICTS OF THE VILLAGE OF MARTIN

I. DISTRICT R-1 consists of the following parcels in the Village of Martin according to the Assessor's Plat thereof:

1, 3 through 12, 25 through 37, 42 through 54, 63 through 70, 57, 76, 77, 81, 91 through 116, 124, 126, 128, 132 through 161, 171, 172, 174, 175, 178, the East 350 ft. and South 644.5 feet of the North 825 feet of Parcel 13, Shepherd Plat East of the East side of Consumers Power Right of Way, the West 250 feet of Parcel 73 and also extending that line in a straight line North to the Village Limits and South to the Consumers Power Right of Way, that portion of Parcel 74, South of a line 250 feet North of and parallel to the North line of Shepherd Plat from its intersection with the line just previously described to where it intersects the Northward extension of the West line of Lot 118 and the North part of Lot 119, the South 250 ft. of Parcel 125, the North 200 feet of Parcel 127, and the West 231 feet of Parcel 176.

II. District R-2 consists of the following parcels:

38, 39, 40, the South 200 feet of 41, and the North 154.5 ft. of Parcel 13.

III. District - A.

Parcels 71, 72, 180, the rest of Parcels 13, 41, 73, 127, and 176 and those parts of 74 and 125 except for the parts in District I.

IV District C.

Parcels 14 through 24, 55 through 62, 78 through 90, 162 through 173, 177, 178 and that part of Shepherd Plat West of the East line of the Consumers Power Company Right of Way.

V. District I

Parcels 117 through 123, 129 through 131, 181, 182, that part of Parcel 74 East of the Northward extension of the West line of Parcel 118 and the North part of Parcel 119 and that part of Parcel 125 West of the Northward extension of the East line of the North part of Parcel 122;

APPENDIX B

OFF STREET PARKING

Land Use	Parking Required
Dwelling - Single	1 space per dwelling unit
Multiple - Family	1 space per dwelling unit
Hotels and Motels	1 space per room
Hospitals	1 space per bed
Mortuaries	1 space per 50 sq. ft. in floor area
Restaurants	1 space per 4 seats
Theaters	1 space per 4 seats
Auditorium and Church	1 space per 4 seats
Schools, Grade and High	1 space per 8 seats
Schools, College	1 space per 4 seats
Offices	1 space per 200 sq. ft. floor area
Industry	1 space per 3 employes
Retail Stores	1 space per 200 sq. ft. of floor area
Tavern	1 space per 3 seats

One space - 200 sq. ft.

Lois Boss

 Lois Boss
 Village Clerk

Willard Evers

Melville Shook

Lawrence Junstrom

THIS IS to certify that on the 25th day
 November, 1967, a copy of this ORDINANCE was
 posted at the ~~MARTIN STATE BANK~~ ^{FIRST NATIONAL BANK, MARTIN BRANCH}, the
 MARTIN Post Office and the MARTIN BARBER Shop.

Lois M. Boss

VILLAGE OF MARTIN ZONING ORDINANCE

The following Ordinance was passed by the Martin Village Commission at a meeting on the 24th day of November, 1967.

An Ordinance to establish zoning districts and provisions governing the Village of Martin, Allegan County, Michigan, in accordance with the provisions of Act 207 of the Public Acts of the State of Michigan of 1921, as amended; to provide for the administration, including penalties for the violation thereof, and to provide for a Board of Appeals.

THE VILLAGE OF MARTIN ORDAINS:

Article I — PREAMBLE

Section 1.01 - Name

This Ordinance shall be known as the "Village of Martin Zoning Ordinance."

Section 1.02 - Purposes

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare. Its provisions are intended to provide for the orderly development of the Village; to encourage the use of lands and natural resources in the Village in accordance with their character and adaptability; to limit the improper use of land; to reduce hazards to life and property, to avoid over-crowding of population; to provide for adequate health conditions in dwellings and buildings hereafter erected or altered; to lesson congestion on the public road and streets; to protect and conserve natural recreation areas, agricultural areas, residential areas and other areas naturally suited to particular uses; to facilitate the establishment of an adequate and economic system for transportation, sewage disposal, safe water supply, education, recreation and other public requirements; to conserve the expenditure of funds for public improvements and services; to conform with the most advantageous uses of land and resources of the Village by both the community and the individual inhabitant.

Section 1.03 - General Procedure

To achieve the purpose of this Ordinance, the Village has been divided into zoning districts of varied shape, kind and area, and regulations have been adopted for each such district, with due consideration for the character of each district, its peculiar suitability for particular purposes, the conservation of property values and natural resources, and the general trend and character of land, buildings, and population development.

Section 1.04 - Scope

Beginning with the effective date of this Ordinance, and except as otherwise provided in this Ordinance, no new building or structure or part thereof, shall be erected, and no existing building or structure shall be enlarged, rebuilt or altered, and no building, structure, land or part thereof shall be used for purposes other than in conformity with the provisions of this ordinance pertaining thereto.

ARTICLE II — DISTRICTS

Section 2.01 - Zoning Districts

For the purpose of this Ordinance all of the Village of Martin is hereby divided into five (5) kinds of zoning Districts to be known as Districts R1 (Class A Residential), District R 2 (Class B Residential), Districts A (Agricultural), Districts C (Commercial), and Districts I (Industrial), the location of which are shown on accompanying map entitled Zoning Map of the Village of Martin, Martin Township, Allegan County, Michigan.

ARTICLE III — DISTRICTS R 1 (Class A Residential)

The following provisions shall apply to all Districts "R1";

Section 3.01 - Uses Permitted

No land shall be used hereafter, and no building or structure erected or moved upon any premises and used for other than one and more of the following uses, except as otherwise provided in the Ordinance:

1. Principal uses permitted:
 - A. One family dwellings
 - B. Two family dwellings
2. Permitted Accessory uses:
 - A. One garage per dwelling unit providing storage for a maximum three cars or a combination of trucks and automobiles not exceeding three in number.
 - B. Home occupations, including handicrafts such as dress-making, millinery, watch repairing and professional occupations such as the office of a physician, dentist, lawyer: provided however, that there shall be no external evidence of such occupation except a name plate not exceeding four (4) square feet in area, and further that the use of occupation shall not require or effect any change in the external character of the dwelling.
3. Uses by Special Permit. The following uses allowed when determined to be in conformity with the provisions of Section 8.15.
 - A. Churches, Schools, libraries, and public owned buildings.
 - B. Hospitals, clinics, sanatoriums, convalescent homes and similar structures designed for human care.
 - C. Public utility buildings.
 - D. Community country clubs, fraternal lodges, and similar civic and social organizations when not operated for profit.
 - E. Parks, playgrounds, public and private swimming pools and similar facilities for outdoor exercise and recreation when not operated for profit.
 - F. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses. Such uses shall include temporary signs.
 - G. Apartment Buildings.

Section 3.02 - Size of Premises

1. Dwellings: Every parcel of land upon which a dwelling is hereafter erected or moved shall conform with the following:
 - A. In the case of unplatted lands, no lot shall contain less than fourteen thousand (14,000) square feet exclusive of public highway right of ways nor shall less than eighty (80) feet in width at the building line.
 - B. In the case of lots contained in plats hereafter recorded, the area shall be not less than ten thousand (10,000) square feet and the width of the lot shall be not less than seventy-five (75) feet at the building line.
 - C. Every parcel of land shall provide a minimum width of Sixty-six (66) feet at the site of the access to the premises, unless special permission is granted by Zoning Board of Appeals.
2. Other Buildings: The minimum size of a parcel of land required for special permit uses shall be as follows:
 - A. Building erected shall not occupy more than twenty-five (25) percent of the parcel of land.
 - B. Special permit shall be granted, however, unless adequate parking is provided in compliance with Sections 8.07 and 14.16.

Section 3.03 - Yards

1. Dwellings
 - A. Side Yards: At least six (6) feet in width on each side, provided, however, where lots abut upon two or more streets or

highways, only yards abutting upon lots adjacent to the longest dimension of the property shall be considered side yards. Side yard requirement for special permit shall be fifteen (15) feet.

B. Rear Yards: At least thirty (30) feet in depth.

C. Front Yards: In conformity with Sections 8.05, 8.14 and 14.03 of this Ordinance.

Section 3.04 - Floor Area of Building

1. Every dwelling hereafter erected or moved upon a premise and intended for year around occupancy shall contain not less than one thousand (1000) square feet of floor area for each family unit; Provided, that no such area shall include space in an attached garage, open porch, breezeway, or other attached structure of similar nature.

Section 3.05 - Building Height

No building structure or part thereof shall be erected or altered to a height exceeding two and one half stories, but not to exceed thirty-five (35) feet; Provided that height of a specific building may be increased if approved by the Board of Appeals as may be reasonable for the use thereof.

ARTICLE IV — District R2 (Class B-Residential)

The following provisions shall apply to all Districts "R2".

Section 4.01 - Uses Permitted

No land shall be used hereafter, and no building or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in this Ordinance.

1. Principal Permitted Uses:
 - A. One family dwelling
 - B. Two family dwelling
2. Permitted Accessory Uses:
 - A. One garage per dwelling unit providing storage for a maximum of three cars or combination of three cars and trucks.
 - B. Home occupation, including handicrafts such as dressmaking, millinery, watch repairing, and professional occupations such as the office of physician, dentist, lawyer; Providing, however, that there shall be no external evidence of such occupation except a name plate not exceeding four (4) square feet in area, and further that the use or occupation shall not require or effect any change in the external character of the building.
3. Used by Special Permit:

The following uses shall be allowed when determined to be in conformity with the Provisions of Section 8.15:

 - A. Motel, resort hotels, boat liveries, bait shops, and similar recreational enterprises.
 - B. Community country clubs, fraternal lodges and similar civic or social organizations.
 - C. Parks, playgrounds, public and private swimming pools and similar facilities for outdoor exercise and recreation.
 - D. Public utilities buildings.
 - E. Churches, schools, libraries, and public owned buildings.
 - F. Hospitals, clinics, sanatorium, convalescent homes and similar structures designed for human care.
 - G. Apartment buildings.
 - H. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.

Section 4.02 - Sizes of Premises

1. Dwellings: Every parcel of land upon which a dwelling is hereafter erected or moved shall conform with the following:

A. Lots shall contain a minimum of 10,000 square feet and shall be Seventy-five (75) feet wide at the building line.

2. Other Buildings: The minimum size of a parcel of land required for special permit uses shall be as follows:

A. Building erected shall not occupy more than twenty-five (25) per cent of the parcel of land.

B. Special permit shall be granted, however, unless adequate parking is provided in compliance with Sections 8.07 and 14.16.

Section 4.03 - Yards

1. Dwellings:

A. Set Back lines for front yard shall conform to Sections 8.05; 8.14, and 14.03.

B. Side Yards: At least five (5) feet in width on each side, provided however, where lots abut upon two or more streets or highways, only yards abutting upon lots adjacent to the longest dimension of the property shall be considered side yards. Side yard requirements for special permit uses shall be ten (10) feet in width.

Section 4.04 - Floor Area of Dwelling

Every dwelling hereafter erected or moved upon a premises shall contain not less than Eight hundred Forty (840) square feet of floor area for each family unit, provided that no such area shall include space in an attached garage, open porch, breezeway, or other attached structure.

Section 4.05 - Building Height

Building heights shall conform to the limits established for residential properties in Section 3.05.

ARTICLE V — District A (Agricultural)

The following regulations apply to all Districts "A"

Section 5.01 - Uses Permitted

No land shall be used hereafter, and no building or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in the Ordinance.

1. Principal Permitted Uses:

A. One family dwellings

B. Two family dwellings

C. Farms

2. Permitted Accessory Uses

A. All uses permitted in Paragraph three (3) of Section 4.01.

B. Buildings and structures customarily incidental to farming.

C. Roadside stands and buildings for the packaging, storage and sale of agricultural products; Provided, that no less than fifty-one (51) percent of the products packaged, stored or sold shall have been produced on the premises or upon common holdings of the owner or owners.

3. Uses by Special Permit: The following uses shall be allowed when determined to be in conformance with the provisions of Section 8.15.

A. All uses permitted except cabin camps, motel, resort hotels, trailer parks, boat liveries, bait shops, marinas and similar recreational enterprises.

B. Food processing and packaging industries; farm equipment sales and services.

C. Neighborhood retail groceries, gasoline stations and shopping centers.

D. Fire control structures.

E. Guide signs of a non-advertising nature.

F. Accessory buildings and structures and uses customarily incidental to all of the above uses.

Section 5.02 - Size of Premises

1. Dwellings: Every parcel of land upon which a dwelling is hereafter erected or moved shall conform to the provisions of Paragraph one (1), Section 3.02.

2. The minimum size parcel of land required for special permit use shall conform to the provisions of Paragraph two (2), Section 3.02.

Section 5.03 - Yards

The yard requirements of all dwellings and other main buildings shall conform to the provisions of Section 3.03 except in the case of the side yards, which shall be increased to fifteen (15) feet.

Section 5.04 - Floor Area of Dwellings

Every dwelling hereafter erected or moved upon a premise shall contain not less than one thousand (1000) square feet of floor space per family unit; Provided, that no such area shall include space in an attached garage, open porch, breezeway, or other attached structure.

Section 5.05 - Building Height and Construction

Dwellings may be thirty-five (35) feet or two and one-half (2½) stories in height. No restrictions on other main building heights.

ARTICLE VI — DISTRICT C (Commercial)

Section 6.01 - Uses Permitted

No land shall be used hereafter, and no building or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in the Ordinance.

1. Principal Permitted Uses:

A. Those uses permitted under Paragraphs one (1) and two (2) of Section 5.01 of the Ordinance.

B. Stores, showrooms, and shops for the conduct of generally recognized retail business when conducted within buildings having a roof and four side walls.

C. Personal service shops, such as professional offices, barber shops, beauty parlors, shoe repair shops, laundry and dry cleaning pick-up shops.

D. Banks, dressmaking, millinery, photographic studios, undertaking establishments, public utility buildings and publicly owned buildings.

E. Community clubs, fraternal organizations and similar civic and social organizations.

F. Outdoor advertising signs not exceeding thirty-two (32) square feet in area.

2. Uses by Special Permit: The following uses shall be allowed when determined to be in conformance with the provisions of Section 8.15.

A. All uses permitted under Paragraph three (3) of Section 5.01 of the Ordinance, except as noted in above Principal Permitted Uses.

B. Outdoor theaters, dance halls, recreational halls, and other enterprises of recreation and amusement.

C. Sale and servicing of agricultural machinery, lumber and coal yards, warehouses, and buildings contractors.

D. Establishments, located within buildings for the repair, alteration, finishing, assembling, fabrication or storage of goods primarily for local or retail sale; Provided, however, that no such establishment employ the use of machinery in excess of three hundred (300) horsepower.

- E. Outdoor advertising signs exceeding thirty-two (32) square feet in area.
- F. Gasoline and oil service stations, garages, used car lots, but not the storage, processing, or sale of used auto parts or other items commonly referred to as junk.
- G. Accessory buildings, structures and uses customarily incidental to all of the above permitted uses.

Section 6.02 - Set Back Lines

Every building hereafter erected or moved upon any premises is required to have a set back line only to the extent that it be the same as the existing set back line. The minimum set back line shall be adjacent to the lot side of the sidewalk or that set back line existing or used by adjoining buildings.

Section 6.03 - Building Height

Any building hereafter erected or moved upon any premises shall comply with the provisions of Section 3.05.

ARTICLE VII - DISTRICT I (Industrial)

The following regulations shall apply to all Districts "I".

Section 7.01 - Uses Permitted

No land shall be used hereafter, and no building or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in the Ordinance.

1. Principal Permitted Uses:

- A. Any uses permitted in Section 6.01 of the Ordinance.
- B. Terminal facilities, blacksmith shops, Oil Storages, and auto wrecking establishments.
- C. Dairy plants, canneries, wineries, agricultural storage and packing, and simialr food processing operations not requiring a special permit under this section.
- D. Manufacture or assembly of electrical appliances, motors, and instruments; manufacture or assembly of signs, billboards and advertising structures; other manufacturing or assembly operations of similar nature not attended by excessive noise, smoke, ordors, vibrations or dust.
- E. Sheet metal; machine shops; mounment works.

2. Uses by Special Permit: The following uses shall be allowed when determined to be in conformance with the provisions of Section 8.15:

- A. Manufacturing or processing operation involving odors, fumes, smoke, dust, water, noise or vibration to such a degree as to be considered obnoxious, offensive, unhealthful, or harmful to surrounding property.
- B. Junk yards and privately operated waste disposal sites of a commercial nature.

Section 7.02 - Yards

Every building hereafter erected or moved upon any premises shall be provided with yards complying with the provisions as set forth in Section 3.03 with the following exceptions:

- 1. Side Yards: Every building hereafter erected or moved upon any premises shall provide a side yard of fifteen (15) feet except where adjacent to a residential lot, then a side yard of twenty-five (25) feet shall be provided. This side yard area shall not be used as a drive or external storage area.
- 2. Rear Yards: Every building hereafter erected or moved upon any premises shall provide a rear yard of twenty (20) feet, where rear yards abut on residential properties the rear yard depth required shall be thirty (30) feet.

Section 7.03 - Building Height

Any building hereafter erected or moved upon any premises shall comply with the provisions of Section 3.05.

ARTICLE VIII - General Provisions

Section 8.01 - Conflicting Laws, Ordinances, Regulations and Restrictions

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing provisions of the law, ordinance, rules, regulations, or permits previously adopted or issued pursuant to laws relating to the erection or use of buildings or lands; nor it is intended by this Ordinance to interfere with or aborgate or annul any existing easements, covenants, or other agreements between parties; Provided, however, that where any provisions of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations, upon the erection or use of land or buildings, or upon the height of buildings, and structures, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or Ordinance or any rules; regulations, permits or easements, then the provisions of this Ordinance shall govern. The requirements of this ordinance are to be construed as minimum requirements, and shall in no way impair or affect any covenant or restriction running with the land except where such covenant imposes lesser requirements. This Ordinance repeals footage requirements of Ordinance 4.

Section 8.02 - Use of Non-Conforming Land, Building and Structure

- 1. At the discretion of the owner, the lawful use of any building, structure or premises existing prior to the effective date of this Ordinance may be continued, although the use does not conform with the provisions of this Ordinance and such use of any building may be extended through that building; Provided, no structural changes be made therein except those required for safety.
- 2. Whenever the non-conforming use of any building, structure, land or premises or part is changed in whole or in part to a conforming use, such use shall not hereafter be reverted to any non-conforming use.
- 3. If the non-conforming use of any building, structure, land or premises or part thereof is discontinued through vacancy, lack of operation or otherwise for a continuous period of three (3) months, then any future use of that building, structure, land or premises shall conform, in its entirety, to the provisions of this Ordinance; Provided, however, that the Board of Appeals may upon application within twelve (12) months after the termination of above mentioned three (3) month period, permit the resumption of such non-conforming use.

Section 8.03 - Reconstruction of Damaged Non-Conforming Buildings and Structures

Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse, explosion, acts of God, or acts of the public enemy, subsequent to the effective date of this Ordinance if such reconstruction or restoration is undertaken within six months and diligently prosecuted to completion; Provided however, that the use be identical with the non-conforming use permitted in effect at the time of the damage, and Provided: Further, that such reconstruction shall conform with highway setback and yard requirements of the district as well as all other requirements herein wherever physically practical to the degree physically practical.

Section 8.04 - Repair, Alteration and Completion of Non-Conforming Buildings

- 1. Nothing in this Ordinance shall prevent the repair, reinforcement,

improvement, or rehabilitation of a non-conforming building, structure or part thereof existing at the effective date of this Ordinance, that may be necessary to secure or insure the continued advantageous use of the building or structure during its natural life; Provided, however, that such repair, reinforcement, improvement, or rehabilitation proposes no change other than to a conforming use, in the use of that building or part thereof.

2. No basement, cellar, garage or any incompletely constructed structure is use as a dwelling on the effective date of this Ordinance shall be used as a dwelling for more than twenty-four (24) months following the effective date, unless such structure has been brought to a state of completion in conformity with the regulations of this Ordinance relative to dwellings in the district in which such structure is located.

Section 8.05 - Yard and Area Requirements: General

1. Every part of any required yard shall be open and unobstructed by chimneys, pilasters, sills, belt course, cornices, eaves or gutters. Provided, however, that such chimneys, pilasters, sills, belt courses, cornices, eaves, or gutters may project not more than fourteen (14) inches into any required yard.
2. No part of any required yard except a rear yard shall be used for any accessory building or use, or for the storage of vehicles and any accessory building erected in a required rear yard shall not exceed one (1) story or fifteen (15) feet in height.
3. In determining lot and yard requirements, no areas shall be ascribed to more than one principal building or use, and no area necessary for compliance with this space requirement for one main building or use shall be included or counted in the calculation of the space requirements for any other building or use.
4. Where a lot abuts upon an alley, one half ($\frac{1}{2}$) of the width of that alley may be considered a part of such lot for the purposes of computing the area of such lot and for the purpose of computing the depth of any rear yard required under this Ordinance.
5. Where a lot abuts upon the shore line of a lake, river, stream or other surface body of water not having a legally established water level and subject to fluctuating water levels, the computation of the required lot area and yard measurements shall exclude any portions of the land existing below the highest prior water level.

Section 8.06 - Limitations of Dwelling Per Lot

Only one single family, multi family, or apartment shall be erected or moved on a lot.

Section 8.07 - Vehicular Parking Space, Access Thereto, and Lighting Thereof

For each dwelling, commercial, industrial, manufacturing or other similar business or service establishments hereafter erected or altered, and located on a public highway, road or street in the village, and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space, off the right of way for the parking or loading of vehicles in proportions shown in Appendix B of this Ordinance, and such space shall be provided with safe exit to and safe entrance from the public thoroughfare. Approval for the location of such exit and entrance shall be obtained from the Michigan State Highway Department for all highways under their jurisdiction, and from the the Country Road Commission for all roads and highways under their jurisdiction and from the Village Commission for all other roads and highways, which approval shall also include the design and construction thereof in the interests of safety, adequate drainage and other public requirements. A minimum of 200 square feet, exclusive of drive, entrances and exits shall comprise one automobile parking space. All parking space shall be pro-

vided with adequate artificial lighting between the time extending from one-half hour after sunset to one-half hour before sunrise, when the use of such space is open to the public.

Section 8.08 - Temporary Dwelling Structures

1. No building, trailer coach, garage, cellar basement, camper or other structure which does not conform to the provisions of this Ordinance relative to dwellings shall be erected, altered or moved upon premises and used for dwelling purposes except under the following applicable limitations:

A. Use of any building, trailer coach, garage, basement, camper, or other structure shall not be inimical to health, safety or to the public welfare.

B. Definitions:

I. The Term "automobile trailer", "House Car", or "Camper", shall mean any vehicle or structure intended for or capable of human habitation, mounted upon wheels or other device capable of being moved from place to place either by its own power or by power supplied by some vehicle attached or to be attached thereto.

II. A "trailer park" or "trailer camp", shall mean any site, lot, field or tract of land where accommodation is provided for one or more automobile trailers, house cars or campers and which is licensed by the State of Michigan as such.

III. The word "person" shall mean a corporation, co-partnership, firm or association as well as an individual person.

2. One occupied house car or automobile trailer, except it to be in a trailer park or trailer camp, may be placed and kept for a period of time not to exceed fifteen (15) days in any calendar year on a residence lot in conjunction with an occupied permanent residence, provided that the occupants of such house car or automobile trailer is a friend or a relative of such permanent resident and is a visiting guest and not a guest for hire, and provided further that written consent be obtained from and signed by the occupant of the dwelling on the resident lot giving consent for the use of the sanitary facilities serving the main dwelling and provided further that a permit be secured from the Village Clerk to keep such house car or automobile trailer on such premises. The location and occupancy of a house car or automobile trailer, except in accordance with the provisions contained herein shall be a violation of this ordinance.
3. The application to the Village Clerk must conform to the following requirements:
 - A. The name and owner of the house car, automobile trailer, or camper and the names of all of the occupants, including the ages of all minor children;
 - B. The location where house car or automobile trailer, will be placed with the street and number or the legal description where no house number is available;
 - C. The make, length and license number of vehicle;
 - D. Date of application;
 - E. Signature of property owner accepting responsibility for the sanitary facilities and limit of time allowed on premises;
 - F. Signature of the Allegan County Health Unit sanitarian as to the adequacy of Waste disposal and sanitation;
 - G. Signature of the applicant whose house car or automobile trailer is to be located on the premises described in the application.

Section 8.09 - Cabin, Cabin Camps and Motels

No parcel of land or premises shall be used for cabin camps or motels, and no cabin or motel shall be erected, altered, or moved upon any land or

premises without compliance with the following regulations; except as noted in Section 8.13.

1. The location and operation of such a camp or motel shall not tend to produce noise or otherwise prove injurious to the surrounding neighborhood, nor be inimical to the public health, safety or general welfare of the community, nor be contrary to the purpose of this Ordinance.
2. Each cabin or motel dwelling unit shall provide no less than sixty (60) square feet of floor area for each occupant, but no cabin or motel dwelling unit shall contain less than one hundred twenty (120) square feet of floor area for sleeping quarters, exclusive of any space provided for toilet, shower, or other facilities.
3. Each cabin or motel shall abut or face a driveway or unoccupied space of no less than twenty-five (25) feet in width, which space shall have unobstructed access to a public highway.

Section 8.10 - Combination Business and Dwelling Buildings and Structures

Each building or structure used for combined dwelling and business purposes shall provide an area of not less than Eight hundred forty (840) square feet for that part used for dwelling purposes.

Section 8.11 - Water Supply and Sewage Disposal Facilities

1. Every building or structure hereafter erected or moved upon any premises for permanent or temporary human habitation shall be provided with a safe and adequate system of water supply and sewage disposal. No such building or structure shall be utilized for human habitation until the owner of the premises has obtained a written approval of the water supply and sewage disposal from the Allegan County Health Department.
2. Connection shall be made to a public water supply and public sewer system when available to the premises.
3. When a private water supply or private sewage disposal system is required, the type, location and construction shall comply with the Sanitation Regulations for Allegan County. No building or structure requiring the facilities, shall be erected or moved upon any premises which does not provide adequate size or soil conditions for safe and adequate water supply and sewage disposal facilities.

Section 8.12 - Farm Buildings and Structures

All buildings and structures hereafter erected and used in connection with farming operations in the Village, but not including dwellings, shall be exempt from the provisions of this Ordinance; Provided, however, that yard requirements, highway setback limits, and sanitary requirements of this Ordinance shall be observed where applicable.

Section 8.13 - Essential Services

Essential services, as defined in this Ordinance, shall be permitted, as authorized and regulated by law and other Ordinances in effect in the Village of Martin, it being the intention hereof to exempt such services from the application of this Ordinance.

Section 8.14 - Highway Setback Lines

Setback lines on all highways, roads and streets, other than highways under the jurisdiction of the Michigan State Highway Department and highways situated in subdivision of plats of record of the effective date of this Ordinance, shall be parallel with and Sixty-eight (68) feet from the centerline of the highway; Provided, that no construction shall be within thirty-five (35) feet of the highway right of way lines.

Setback lines for roads and streets contained within subdivision of plats of record shall be parallel with and Sixty-eight (68) feet back from the centerline of the roads or streets contained within the plat, provided no construction be within thirty-five (35) feet of the road right of way line.

In areas where set back lines already established are more or less than those specified above, existing set back lines shall be observed unless a special permit is granted by the Zoning Appeal Board, to deviate from the established set back lines, upon application thereto.

Section 8:15 - Special Permit Uses

Special permit uses shall be subjected to the following special requirements in addition to the requirements and standards of the zoning district in order to prevent conflict with or impairment of the principal permitted uses of the zoning district. Such uses shall be deemed to possess characteristics of such unique form to the district that each shall be considered as an individual case.

1. Relation to adjacent land and building:
The location and size of use, the nature and intensity of operations, the size of site in relation to operations, and the location of the site with respect to existing or future roads and highways providing access thereto shall be in harmony with the orderly development of the district; and the location, nature and height of buildings, walls and fences shall not discourage the appropriate development and use of adjacent land and buildings or impair their value.
2. Character of Operations:
Operations shall not be more objectionable to nearby properties by reason of noise, vibration, dust, fumes, smoke, or flashing lights than the operation of any permitted use.

ARTICLE IX — ADMINISTRATION

Section 9.01 - Zoning Administrator

The provisions of this Ordinance shall be administered and enforced by the Village Clerk, or a Zoning Administrator appointed by the Village Commission.

Section 9.02 - Zoning Board

Village of Martin Zoning Board shall consist of five members appointed in accordance with Act 145, of the Public Acts of 1960.

Section 9.03 - Certificates of Approval

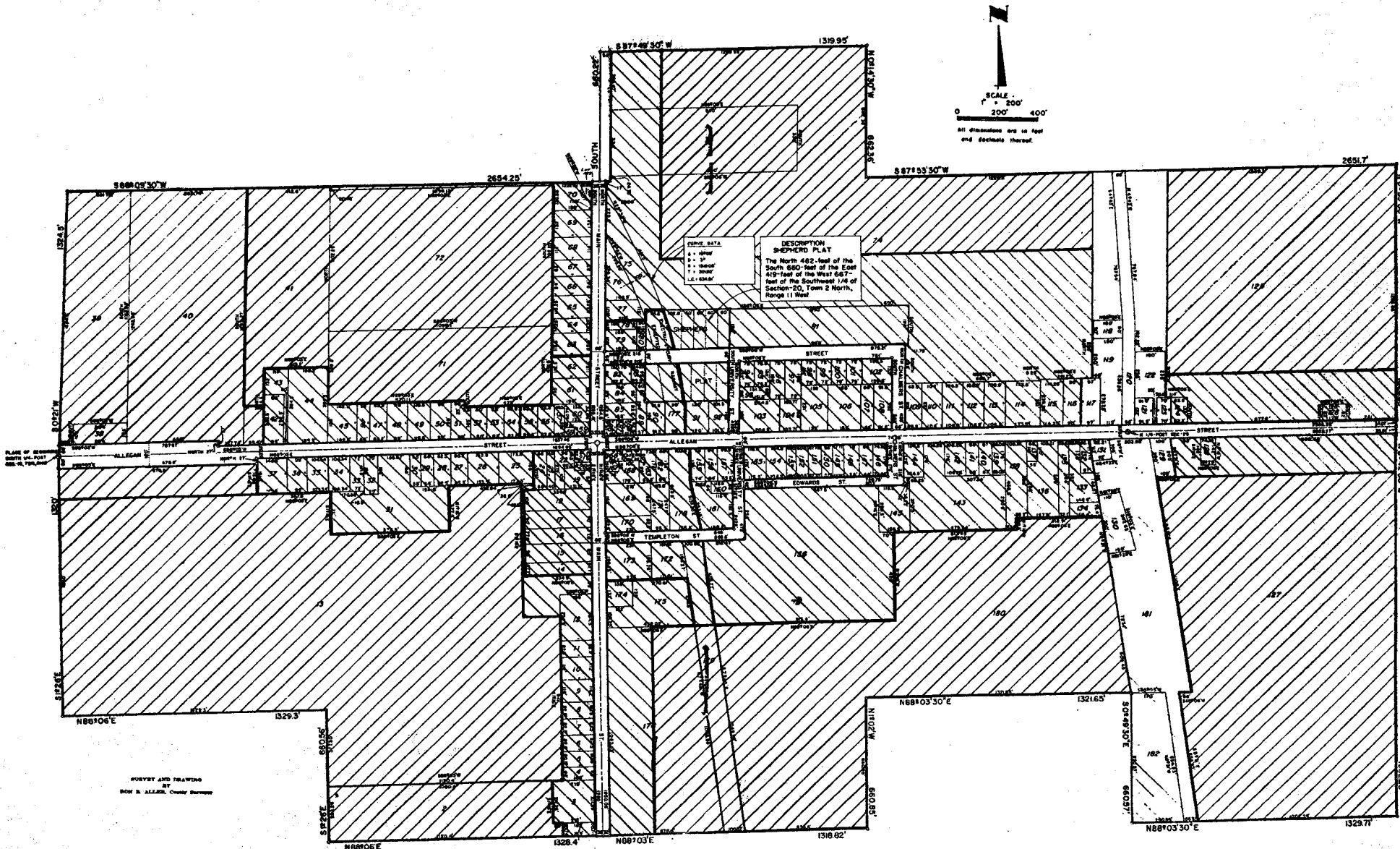
No building or structure subject to the provisions of this Ordinance shall hereafter be erected or moved and used upon any premises until application for a certificate of approval has been filed with the Clerk, and the Village Commission has approved issuance of such Certificate. Such Certificate shall be non-transferable and must be granted before any work of excavation, construction or movement is begun.

2. The application shall be signed by the owner of the premises or his qualified agent, and shall certify that all provisions of this Ordinance and other applicable law and requirements are to be complied with.
3. The application shall be made in triplicate on forms provided by the Village which forms shall provide space for declaring such information and intent required to determine compliance with the Ordinance.
4. The Village Commission shall determine whether the building or structure and the land and use thereof, as set forth on the application, are in conformity with the provisions of this Ordinance, and if it so finds, the Clerk shall issue a Certificate of Approval, and when such certificate is refused, the Commission shall state the cause for such refusal in writing. One copy of the application with proper notations thereon, or attached thereto, including approval or disapproval and date, shall be placed on file with the Zoning Board as a record, one copy shall be retained by the Village Clerk and one copy shall be returned to the Applicant. Accessory

ASSESSOR'S PLAT VILLAGE OF MARTIN

MARTIN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

Being a part of Sections-19, 20, 29 and 30, T2N, R11W



SURVEY AND DRAWING BY
 W.W. B. ALLEN, County Surveyor

building when erected at the same time as the principal buildings and shown on the application shall not require a separate certificate.

5. Certificates of Approval under which no work has been done above the foundation walls within six (6) months from the date of issue shall expire by limitation, but may be renewed for an additional six (6) months from the date of expiration upon reapplication and payment of 50% of the total of the original fee to the Village Council for deposit with the Village Treasurer, subject, however, to the provisions of the Zoning Ordinance then in force.
6. The Village Commission shall have the power to revoke or cancel any Certificate of Approval in case of failure or neglect to comply with any of the provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The owner of the premises shall be notified of such revocation in writing.
7. It shall be the duty of all architects, contractors, and other persons having charge of erection, alteration, or movement of a building or structure, subject to the provisions of this Ordinance, to determine that a proper certificate has been granted therefore before undertaking any such work; and all such persons performing any work in violation of the provisions of this Ordinance shall be deemed guilty of violation in the same manner as the owner of the premises.
8. For each Certificate of Approval issued, the following fees shall be paid to the Village Clerk for deposit with the Village Treasurer to the credit of the General Fund of the Village. No certificate shall be valid until the following required fee has been paid:

Additions	Five (5) dollars
Accessory Building or Structures	Five (5) dollars
Dwellings	Seven (7) dollars
Other	Ten (10) dollars
Governmental	No fee required

Section 9.04 - Special Permits

1. Application for a special permit shall be made in writing and shall accompany the application for a Certificate of Approval required under the provisions of Section 9.03 of the Ordinance.
2. Application for a special permit shall be accompanied by a plan for the proposed use which plan, where applicable, shall show the location of all buildings, structures, parking areas, open spaces, traffic access and circulation, landscaping, including screening, and any other information necessary to determine the conformance of the proposed use with the provisions of Section 1.02 of the Ordinance.
3. The Village Clerk or Zoning Administrator shall make such investigation as may be necessary to determine whether the proposed special use complies with the requirements of Section 8.15 of the Ordinance. A report of the Clerk's or Administrator's findings shall be filed with Zoning Board and Village Commission. If the Village Commission finds, based upon the findings of the Clerk or Administrator that the proposed use is in compliance with the requirements of Section 8.15 he shall proceed with the processing of the Application for Certificate of Approval as set forth in Section 9.03. In the event that the Village Commission denies the application for a special use permit, the Zoning Board of Appeals shall be notified and the application shall be referred to the Board, together with all reports relevant thereto, for consideration at the next regular meeting of the Board of Appeals. In no case, however, shall a period exceeding thirty (30) days elapse between the time of notice to the Board of Appeals and the date of initial Board action on the application.

Section 9.05 - Certificate of Compliance

No building or structure or part thereof for which a Certificate of Approval has been issued shall be occupied or used until a Certificate of

Compliance has been issued by the zoning administrator or clerk stating that the building or structure or proposed use complies with the requirements of this Ordinance. Within ten (10) days after written notifications that the building or structure is complete, the zoning administrator or clerk shall make inspection thereof, and if it is found to be in conformity with the provisions, he shall issue the owner a Certificate of Compliance and record his action, including date, on the copy of application for a Certificate of Approval deposited, as heretofore provided, with the Village Commission. No fee shall be charged for a Certificate of Compliance when applied for coincidental with the application for Certificate of Approval.

ARTICLE X - Board of Appeals

Section 10.01 - Creation

There is hereby created a Board of Appeals which shall perform its duties and exercise its powers as provided by Act 207 of the Public Acts of 1921, as amended, and by the provisions of this Ordinance, to the end that the objectives of this Ordinance are observed and public safety, health, morals, and general welfare secured and substantial justice done.

Section 10.02 - Membership

The Membership of the Board of Appeals shall conform with Section 5 of Act 207 of the Public Acts of 1921, as amended.

Section 10.03 - Meeting

Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public, the Board shall maintain a record of its proceedings which shall be filed in the office of the Village Clerk and shall be a public record.

Section 10.04 - Duties

1. The Board of Appeals shall act upon all questions, as they may arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning Maps, and may fix rules and regulations to govern its procedure sitting as such a Board of Appeals. It shall hear and decide appeals from and review any order, requirement, decisions or determination made by an administrative official or the Village Commission charged with enforcement of any provisions of this Ordinance. It shall also hear and decide all matters referred to it upon which it is required to act under any amendment adopted pursuant to this Ordinance. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or the Village Commission, or to decide in favor of the applicant any matter upon which they are required to pass under any such Ordinance or to effect any variation in such Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Village. The grounds of every such determination shall be stated in writing.
2. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by the filing with the officer from whom the appeal is taken and with the Board of Appeals of a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
3. An appeal stays all proceedings in furtherance of the action appealed from unless the officer, from whom the appeal is taken, certifies to the Board of Appeals, after the notice of Appeals shall

have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

4. The Board of Appeals shall fix a reasonable time for the hearing of appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent. The Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion to be made in the premises, and to that end shall have all the power of the officer from whom the appeal was taken, and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such Ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of the provisions of the Ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of the provisions of the Ordinance so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice be done. The decision of such board shall not be final, and person having an interest affected by such Ordinance shall have the right to appeal to the Circuit Court on questions of law and fact.

ARTICLE XI - Special Exceptions

In order to make this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Zoning Board of Appeals, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in the Ordinance.

Such Special Exception Uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances, and without proper controls and limitations, could cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind such Special Exception Uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Zoning Board of Appeals, in its absolute discretion, is satisfied that the same, under the conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by said Board, would be compatible with the other uses expressly permitted within said district; would not, in any manner, be detrimental or injurious thereto; would not, in any manner, be detrimental or injurious to the use or development of adjacent properties; to the occupants thereof or to the general neighborhood; would promote the public health, safety, morals and general welfare of the community; would encourage the use of lands in accordance with their character and adaptability; and that the standards required by the Board for the allowance of such Special Exception Use can and will, in its judgment, be met at all times by the applicant.

The burden of proof of facts which might establish a right to a Special Exception Use Permit under the foregoing standards shall be upon the applicant.

(b) Special Exception Procedure:

1. All applications for Special Exception Use Permits shall be filed with the Village Clerk and shall include all pertinent plans, specifications, and other data upon which the applicant intends to rely for a Special Exception Use Permit.

2. The Zoning Board of Appeals shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request and shall notify the applicant and the owners and occupants of all contiguous parcels of such hearing.
3. Following such hearing, said Board shall either grant or deny a permit for such Special Exception Use and shall state its reasons for its decision in the matter in writing. All conditions, limitations and requirements upon which any such permit is granted shall be specified in detail by said Board in its decision and shall be filed with the zoning enforcement officer of the Village.

ARTICLE XII - Penalties

1. Any building or structure which is erected, altered, maintained or used or any use of land which is begun, maintained, or changed in violation of any provisions of this Ordinance, is hereby declared to be which violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any provision shall be fined upon conviction not less than ten (10) dollars nor more than one hundred (100) dollars together with the costs of prosecution, or shall be punished by imprisonment in the county jail for no less than ten (10) days nor more than ninety (90) days for each offense, at the discretion of the court. Each and every day during which an illegal erection, alteration, maintenance, or use continues, shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.
2. The Martin Village Commission, Zoning Board, the Board of Appeals, the Prosecuting Attorney of the County, or any owner or owners of real estate may institute injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate, or move the alleged unlawful erection, alteration, maintenance, or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

ARTICLE XIII - Amendments

Section 12.01 - Initiation of Amendments

Amendments to this Ordinance may originate with the Village Commission or the Zoning Board by resolution of the majority of this respective membership, or by written petition signed by no less than 20% of the affected property owners. Such petition shall include the address of each signer and the location of his property in the Village.

Section 12.02 - Procedures

1. Each proposed amendment not originating with the Zoning Board shall be referred to Zoning Board for its consideration and recommendations.
2. The Zoning Board shall hold a public hearing on its recommendation. When any amendment proposes the rezoning of any premises, a public hearing shall be held and the Zoning Board shall cause the premises to be posted for twenty (20) days prior to the date of hearing with at least one sign stating the premises are under consideration for rezoning, and the time and place of the hearing.
3. Adoption and enactment of amendments shall be in accord with Act 207 of the Public Acts of 1921, as amended.

Section 12.03 - Spot Zoning

In case any petition requests rezoning of individual parcels of land, the petition shall state the specific use or purpose for which rezoning is sought.

ARTICLE XIV - Validity

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause, is adjudged unconstitutional or invalid it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Martin Village Commission hereby declares that it would have passed this Ordinance and each part, section, phrase, sentence and clause thereof, irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences and/or clauses be declared invalid.

ARTICLE XV - Definitions

For the purpose of this Ordinance, certain terms used are herewith defined. When not inconsistent with the context, words used in the present tense include the future; words in the singular include the plural number, and conversely. The word "shall" is always mandatory and not merely directory.

Section 14.01 - Accessory Building or Structure

A supplementary building or structure on the same premises as the main building or structure and occupied by or devoted exclusively to an accessory use but such use shall not include the use for dwellings or lodging purposes, or sleeping quarters for human beings.

Section 14.02 - Building

Any structure, either temporary or permanent, having a roof or used or built for the shelter or enclosure of persons, animals, or property of any kind. This shall include tents, awnings, vehicles whether mounted on wheels or not and used for purposes of a building.

Section 14.03 - Building Set-Back Line

In residence districts there shall be a setback line of not less than thirty-five (35) feet, except on corner lots, and except when a majority of the frontage on one side of a street between two intersecting streets at the time of the passage of this ordinance has been built up with buildings, and a majority of said buildings have a minimum setback line of more or less than thirty-five (35) feet from the street line, in which case no building hereafter erected or altered shall project beyond the minimum setback line so established, on all corner lots held under a separate and distinct owner from adjacent lots, there shall be a setback line of not less than thirty-five (35) feet from the street line upon which the narrow side of the lot abuts, and not less than ten (10) feet from the street line upon which the long side of the lot abuts.

Section 14.04 - Dwelling

Any building or structure, or part thereof occupied as the home, residence and sleeping place of one or more persons, except for trailer coaches, motels, cabins and similar facilities offered to transients.

Section 14.05 - Erected

Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building. Excavations, fill, drainage, and the like shall be considered apart of erection.

Section 14.06 - Essential Services

The erection, construction, alteration or maintenance of public utilities or municipal departments or commissions, of underground or overhead, gas, electrical, steam or water transmission or distribution systems, collections, communication, supply of disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables towers, electric sub-stations, fire alarm boxes, police call boxes, traffic signals, hydrants, and other simi-

lar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

Section 14.07 - Family

A collective body of persons consisting of parents and/or children, or other relatives, domestics or servants, residing together in one house or dwelling and under one head or one domestic government.

Section 14.08 - Farms

All of the unplatted, contiguous, neighboring or associated land operated as a single unit, containing not less than eight (8) acres in area not all of which must be within the boundry of the Village, on which bonafide farming is carried on. Orchards, hatcheries, and similar specialized agricultural enterprises may be considered as farms, but establishments keeping furbearing animals, game, or operated, as fish hatcheries, dog kennels, stock yards, slaughterhouses, stone quarries, gravel or sand pits, or the removal and sale of top soil, fertilizer works, bone yards, piggeries or for the reduction of animal matter or for the disposal of garbage, sewage, rubbish, junk, or offal shall not constitute a farm hereunder.

Section 14.09 - Highway, Road or Street

Any public vehicular thoroughfare, except alleys, including county, federal and state roads and highways.

Section 14.10 - Home Occupations

A gainful occupation conducted by members of the family within its place of residence; Provided that the space used is incidental to residential use and that there be at least eight hundred forty (840) square feet of dwelling area not used in the occupation area; and that not more than on paid non-family member assistant is employed.

Section 14.11 - Lot

The parcel of land on which one (1) principal building and its accessories are placed, together with the open spaces required by this Ordinance. A lot need not be a lot of existing record.

Section 14.12 - Roadside Stand

A farm structure or piece of work artificially built up or composed of parts joined together in some definite manner; for the packaging, storage and sale of agricultural products including any dwelling, garages, buildings, signs and signboards included thereto.

Section 14.13 - Trailer Coach

Any vehicle used or so constructed as to permit its being used as a conveyance upon public streets or highways and shall include self-propelled and non-self-propelled vehicles so designated, constructed, reconstructed, or added so as to provide an enclosed room or area in such manner as will permit the occupance thereof as a dwelling or sleeping place for one or more persons, whether mounted on wheels or dismantled or located on a foundation or other support.

Section 14.14 - Trailer Coach Park

Any site, lot, field, tract, or parcel of land upon which three (3) or more occupied house trailers or campers are harbored either free of charge, or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such trailer park.

Section 14.15 - Yard

A space open to the sky and unoccupied or unobstructed by building or structures on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distances.

A. Yard, Front

A yard extending the full width of the lot or parcel of land between the front, or throughfare right of way line, and the nearest line of the main building.

B. Yard, Rear

A yard extending across the full width of the lot between rear lot line and the nearest line of the main building.

C. Yard, Side

A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building or of any accessory building.

Section 14.16 - Parking Space

An area, enclosed or unenclosed, two hundred (200) square feet in size to store one (1) automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Section 14.17 - Words Requiring Special Interpretation

Any word requiring special interpretation and not listed above shall be used as defined in the Housing Law of Michigan, being Act 167 of the Public Acts of 1917, as amended.

**APPENDIX A
ZONING DISTRICTS OF THE VILLAGE OF MARTIN**

I - District R-1 consists of the following parcels in the Village of Martin according to the Assessor's Plat thereof:

1, 3 through 12, 25, through 37, 42 through 54, 63 through 69, East 198 ft. of 70, 75, 76, 77, 81, 91 through 116, 124, 126, 128, 132 through 161, 174, 175, the East 350 ft. and the South 664.5 ft. of the North 325 ft. of Parcel 13, Shepherd Plat East of the East side of Consumers Power Right of Way, the West 250 ft. of Parcel 73 and also extending that line in a straight line North to the Village Limits and South to the Consumers Power Right of Way, that portion of Parcel 74, South of a line 250 ft. North of and parallel to the North line of Shepherd Plat from its intersection with the line just previously described to where it intersects the Northward extension of the West line of Lot 118 and the North part of Lot 119, the South 250 ft. of Parcel 125, the North 200 ft. of Parcel 127, and the West 231 ft. of Parcel 176.

II - District R-2 consists of the following parcels:

38, 39, 40, the South 200 ft. of 41, and the North 154.5 ft. of Parcel 13.

III - District - A

Parcels, 2, 71, 72, 180, the rest of Parcels 13, 41, 73, 127, and 176, 178, 180, and West 1096.12 ft. of Parcel 70, South 1048.99 ft. of Parcel 179, and the balance of parts 74 and 125, except for the parts in District I, hereafter described.

IV - District C

Parcels 14 through 24, 55 through 62, 78 through 80, and 82, through 90, 162 through 173, 177, 178, North 435.77 ft. of Parcel 179, and that part of Shepherd Plat West of the East line of the Consumers Power Company Right of Way.

V - District I

Parcels 117 through 123, 129 through 131, 181, 182, that part of Parcel 74 East of the Northward extension of the West line of Parcel 118 and the North part of Parcel 119, and that part of Parcel 125 West of the Northward extension of the East line of the North part of Parcel 122.

**APPENDIX B
OFF STREET PARKING**

Land Use	Parking Required
Dwelling - Single	1 space per dwelling unit
Multiple - Family	1 space per dwelling unit
Hotels and Motels	1 space per room
Hospitals	1 space per bed
Mortuaries	1 space per 50 sq. ft in floor area
Restaurants	1 space per 4 seats
Theaters	1 space per 4 seats
Auditorium and Church	1 space per 4 seats
Schools, Grade and High	1 space per 3 seats
Schools, College	1 space per 4 seats
Offices	1 space per 200 sq. ft. of floor area
Industry	1 space per 3 employes
Retail Stores	1 Space per 200 sq. ft. of floor area
Tavern	1 space per 3 seats
	One Space - 200 square feet

Lois Boss
Village Clerk